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SENATE BILL 729

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO PUBLIC ASSISTANCE; ADDING ELECTRONIC BENEFIT
TRANSFER CARDS TO UNLAWFUL DEALING IN FEDERAL FOOD COUPONS OR
WIC CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-7 NMSA 1978 (being Laws 1971,
Chapter 282, Section 1, as amended) is amended to read:

"30-16-7. UNLAWFUL DEALING IN FEDERAL FOOD COUPONS OR WIC
CHECKS. --

A. Unlawful dealing in federal food coupons or WIC
checks consists of a person buying, selling, trading, bartering
or possessing food coupons or WIC checks issued by the United
States department of agriculture with the intent to obtain an
economic benefit to which he is not entitled under the rules
[and regulations] of the human services department pertaining

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1 to the food stamp program or of the [~~health and environment~~]
2 department of health pertaining to the special supplemental
3 food program for women, infants and children.

4 B. Whoever commits unlawful dealing in federal food
5 coupons or WIC checks when the value of the food coupons or WIC
6 checks involved is one hundred dollars (\$100) or less is guilty
7 of a petty misdemeanor.

8 C. Whoever commits unlawful dealing in federal food
9 coupons or WIC checks when the value of the food coupons or WIC
10 checks involved is over one hundred dollars (\$100) but not more
11 than two hundred fifty dollars (\$250) is guilty of a
12 misdemeanor.

13 D. Whoever commits unlawful dealing in federal food
14 coupons or WIC checks when the value of the food coupons or WIC
15 checks involved is over two hundred fifty dollars (\$250) but
16 not more than [~~twenty-five~~] two thousand five hundred dollars
17 (\$2,500) is guilty of a fourth degree felony.

18 E. Whoever commits unlawful dealing in federal food
19 coupons or WIC checks when the value of the food coupons or WIC
20 checks involved is over [~~twenty-five~~] two thousand five hundred
21 dollars (\$2,500) but not more than twenty thousand dollars
22 (\$20,000) is guilty of a third degree felony.

23 F. Whoever commits unlawful dealing in federal food
24 coupons or WIC checks when the value of the food coupons or WIC
25 checks involved exceeds twenty thousand dollars (\$20,000) is

1 guilty of a second degree felony.

2 G. For the purposes of this section, "federal food
3 coupons or WIC checks" include electronic benefit transfer
4 cards or any other method through which food stamps or WIC
5 benefits may be obtained."

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